



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

OMAR J. SIDDIQI
Senior Counsel
Phone: (212) 356-2345
Fax: (212) 356-3509
osiddiqi@law.nyc.gov

August 4, 2022

VIA ECF

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *In re: NYC Policing During Summer 2020 Demonstrations*
20 Civ. 8924 (CM) (GWG)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and one of the attorneys assigned to the defense of the above-referenced matter. This application is being filed on behalf of all parties to this matter. The parties write jointly to respectfully request that the Court: (1) endorse the parties' proposed plan to hold in abeyance all depositions and all new paper discovery requests (with certain exceptions as agreed to by the parties, which is set forth in the attached stipulation) for sixty (60) days; and (2) extend all discovery deadlines by sixty (60) days.

By way of background, the parties are currently engaged in good-faith settlement negotiations on the injunctive relief sought in these consolidated actions. These settlement conversations are being facilitated by Rebecca Price of the SDNY Mediation Office, and includes the plaintiffs seeking injunctive relief, defendants, and the intervenor unions. On July 28, 2022, these parties met with Ms. Price for a mediation session at the Southern District Courthouse. All parties are hopeful that they will be able to reach an equitable resolution of the injunctive relief sought in this matter. In fact, there are four additional sessions scheduled for the following dates: August 9, 2022; August 24, 2022; September 8, 2022; and September 22, 2022.

In addition, a mediation has been scheduled for September 14, 2022, to attempt to settle the monetary claims for the putative class of individuals who were arrested at the alleged kettling at Mott Haven on June 4, 2020. Counsel from the City, Sierra, Wood, and Sow cases will attend the mediation. The City will convey a classwide settlement offer with respect to this group twenty-four hours prior to the mediation session.

Given the demanding pace of discovery in this matter, the City, SBA, and DEA believe it would be incredibly difficult, if not impossible, to prepare for, communicate with stakeholders, and engage in meaningful settlement negotiations while complying with the Court's current discovery deadline. For that reason, the parties have agreed that it would be necessary to “pause” most ongoing discovery for the purpose of facilitating this productive settlement negotiation, while still continuing to make some progress on resolving open issues to ensure that the parties are prepared to comply with the schedule, if necessary, at the conclusion of the 60-day period.

To that end, the parties now seek a sixty (60) day extension of all discovery deadlines so that the parties can hold in abeyance in the next sixty days all depositions and all new paper discovery requests, with certain exceptions as agreed to by the parties. In this time period, the parties will continue to work on the remaining outstanding paper discovery issues, will schedule depositions to commence after the sixty (60) day extension, and will do so without unnecessarily involving the Court. The parties have attached a stipulation that details the agreement reached by the parties regarding the written discovery that will continue if the 60-day extension is granted. The parties are hopeful that the Court will endorse this proposal, so that they can focus their efforts towards reaching a settlement that would be in the best interests of all parties and would facilitate an expeditious resolution of these cases. Should plaintiffs or the City Defendants, after a discussion with the mediator, feel that the mediation process has been exhausted prior to the end of the sixty-day (60) day period, they reserve their right to seek a modification of the requested stay and of the terms of the attached Stipulation.

The parties now respectfully request that the Court grant this motion and: (1) endorse the parties' proposed plan to hold in abeyance all depositions and all new paper discovery requests (with certain exceptions as agreed to by the parties, which is set forth in the attached stipulation) for sixty (60) days; and (2) extend all discovery deadlines by sixty (60) days.

The parties thank the Court for its consideration of this application.

Respectfully Submitted,

/s/ Omar J. Siddiqi

Omar J. Siddiqi
Senior Counsel
Special Federal Litigation Division